

THE HERALD.
SALT LAKE CITY, UTAH.

THURSDAY, AUGUST 22, 1889.

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STARTING OFF WRONG.

The North Dakota constitutional convention has some men in it of brains, experience and forthrightness. One of the wisest things, as it appears to us here, that was brought before it, was a proposition to incorporate an article requiring the supreme court of the state to give the legislature advice on any point wherein the constitutionality of the law was involved. By this means it was proposed to save the state, the people and more particularly litigants, great expense by having such disputed points tested before the laws were made rather than after; and why this would not be a measure of wisdom it would be difficult to point out.

The Dakotas, like Montana and Washington, are having things very much their own way. Anything adopted by their respective conventions as the fundamental law of the land "runs" beyond all question, provided the people themselves by a majority vote ratify the work of their representatives, which they undoubtedly will, as it is that or another long wait for statehood. Having ratified the constitution, the President will at once issue a proclamation declaring the four territories members of the sisterhood of states. Why, then, do they not seek to improve upon rather than fall in line with state and territorial provisions outstanding elsewhere is a mystery, unless, indeed, we ascribe it to the fact that the local fraternity have been getting in their work on the state-builders. As a territorial legislature, making enactments which Congress could annul at any time and without giving any reason therefor, we can easily comprehend why haste should be made slowly in the matter of squandering time over laws which are likely to cut into the business of the legal fraternity; but it is in order to emerge from that condition of dependency that the constitution fathers are at work. Surely, the lawyers must have got their fingers into the pie. They make more money fighting the constitutionality and regularity of laws than those who are not in the secret know anything about, as much, perhaps, as they do from all other sources combined. And while THE HERALD would not injure their business or themselves, yet it does seem as though the great body of the people ought to have an occasional thought bestowed upon them, especially by those whom they selected for that very purpose.

One of the excellent provisions of the North Dakota constitution was that it would be undignified to go before the supreme court with a request for information as to pending legislation—something like a lawyer asking the judge of a court in which he intends to bring a case how he shall plead, is the idea we suppose they meant to convey. But would not this, from any point of view, be more dignified than having talent and which they sent out to the people with their sign manuals and bearing the great seal of the state as law, knooped into everlasting oblivion by that same court and the work declared in substance to be that of incompetent pretenders? Surely.

THE SAN FRANCISCO Bulletin attributes the dullness of the demand for JEFF DAVIS' book to his being surcharged with venous, instead of the usually hot water. It says the confederate chieftain is an "unrepentant rebel, a man without a country." Against what does he rebel and what is the matter with this being his country? For fear the Bulletin may not have been informed of it, we will state that the little affair in which Mr. Davis was engaged came to a summary close in the spring of 1865.

AN INFAMOUS PROCEEDING.

Divorces should be handled with care. A lax system of securing conjugal separations has a tendency to inculcate disregard for the marriage vow and make a certain class of men whose aim would otherwise be at steadiness, indifferent as to whether they are steady or not. This does not imply that there should be great difficulty in getting divorces where there are good and sufficient grounds; by any means, on the contrary, a well-guarded statute providing for separation under such circumstances is a wise, benevolent and civilized provision, and should be upheld wherever enlightened sentiments prevail; but courts or laws should be abolished which admit of either spouse securing an annulment of the marriage contract for slight or transient causes, when by holding them off for a short time a better understanding might be arrived at and the couple go to living together on the best of terms.

The most notorious abuse of the divorce law which has happened in recent times was in the case of Sheriff FLACK, of New York city, a short time ago. After it was obtained, Mrs. FLACK rushed upon the scene and declared she had never applied for a divorce, as it was made to appear she had; that she consented to a separation and signed documents to that effect, at the same time signing other papers presented to her by her son, who dutifully informed her that they related only to a division of the property and that she need not read them. She has recently ascertained that the papers had reference to the divorce which her husband subsequently unrepentantly obtained, that one of them was in fact a complaint against him. This fastens death upon both husband and son. To make matters worse, the lawyer who ostensibly appeared for the wife, on being confronted by her was compelled to admit that he not only had not been retained by her, but that he never saw her before.

Perhaps the conduct of the judge in this case—HOOVER—was the most infamous feature in the whole transaction. He issued an order of reference to a man upon no other ground than that he was a good friend of the defendant and would therefore be likely to find favorably for him; yet betook

no evidence, his work as referee consisting simply in recommending that the divorce be granted because of the defendant having failed to answer, and in view of the fact that the wife had not been served with a notice that any suit was pending, it is little wonder that she did not appear. So anxious was FLACK to get the divorce that he allowed a decree of reparation to be entered on the ground of adultery on his part, which he had contrived to have his wife accuse him of, though she solemnly declares that if he is guilty of any such thing she is not aware of it and never had any suspicions in that direction. He would not dare have such a decree upon such grounds entered up against him in Utah.

Of course the fraudulent decree will have to be annulled, though why Mrs. FLACK should want to continue the relationship of wife to so cowardly and contemptible a wretch as her husband has shown himself to be, is more than we can understand. Judge HOOVER should be impeached and imprisoned until the law is fully respected for the dastardly part he played in the proceeding.

THOSE who think Baby McKen such a curiosity are hereby advised that there is one more interesting who once inhabited the White House. Her name is now Mrs. WILCOX, and she enjoys the distinction of being the only child who first saw daylight in that mansion. Her father, ANDREW JACKSON DONALDSON, was an adopted son of President JACKSON, and she is reported as a lady of refined tastes and considerable information. Her husband was member of the Thirty-fourth Congress from Texas, and also a member of the confederate congress.

TEMPORA MUTANTUR.

THE HERALD has an organic contemporary down the street whose principal version is being ill-natured and talking back. It has a mission in our midst, and on this it prides itself; in fact, now and then we have a reference from it to it as a "missionary journal." The object which it expects to accomplish as a result of this mission is not stated in terms, but enough is said to enable one to see that it is a mission to do what it is. As the successor of a company whose object was the reformation of things as they were in Utah in a quiet, friendly way, it came thundering down the alley with a cry of absolute suppression to everything and everybody singing on or being humane to the institution whose tenets were professed by the majority. "The great anti-Mormon organ" was the label fastened to the collar of the then new regime. "We oppose Mormonism without any ifs or buts," used to be the cry after the decent element arrayed against the Utah religiousists had given way. Then followed a long period of fanaticism, bigotry, spleen and hatred which could only have been born of an opposing faith; vulgarity, indecency and hatred were the chief characteristics, and the result was a state of affairs which was built up, just as the *Pacific States* and similar periodicals have built up a business, by pandering to those senses in man which require no education on his part to gratify. But there was a considerable proportion of decency in the concern's support and it got tired of this kind of thing, the result being that the bashwacking and jawbawking element were bought out and released from further service in that behalf. Then the venture ceased to be an organ, but became a missionary.

As a missionary it was entitled to respect and fair treatment, so long as by its conduct it showed itself entitled thereto. Everybody was in favor of a fair opportunity being given, and it was given, but the most was not made of it. At first it was fair enough, but by degrees the animal forsook the beautiful pool in which it had been placed and enveloped itself in the mire to which it was more accustomed. It is useless to recount the history of the immediate past, it is well enough known. Suffice it to say that as between the missionary and the organ, commend us to neither.

The organic contrivance is sadly out of tune at times. It professes a lingering fondness for all things American and an utter detestation of anything in opposition to the customs of the "better classes" of the republic. It wants to see a metropolis with all the attachments, appointments and incidents of one; a city with a population of 100,000 at least, with a sewerage system equal to the best, a water service at once adequate and convenient, with business blocks so reduced in area that the greatest possible frontage could be obtained, with improved police regulations, and all the et ceteras pertaining to a real big town. In order to accomplish all this, the organ expresses its willingness to permit people who are blindly astray on the subject of religion to worship at any shrine they please, to believe in MOHAMMED, BUDDHA or ZORASTRA, if they choose, to entertain their belief, and to have a special plan for their own and their fellows' redemption, so long as they keep within the laws and observe the rules of decency as they are laid down and recognized elsewhere. This is all very funny when you come to analyze it.

How is a population of 100,000 to be got here? Has the organ ever taken the pains to resort to practical figuring on such a consummation? There are but two methods that we know of—natural increase and immigration, to both of which it just now more or less opposes. Even if by the former plan it could be accomplished in one generation at all, it would be un-American to resort to such means, for would not that be converting the "American home" into a "human stock ranch"? To be gentle and entitled to admission into good society, and remain in proper form, and have a community built up strictly on the American plan, one or two little copies of their faithful sire are as many as we can have in a household, and allowing for an occasional visitation from the destroyer, this would only have a tendency to diminish instead of increase the body politic. And as to emigration, it is by the other means, which is that to be done when every new comer is looked upon and treated with suspicion unless he happens to belong to the organ's following! It says that no objections are to be offered to those who come here in good faith with the intention of making this their home; well, but how is that to be determined? If the new recruit says so he will not be believed, at least till after the next election, and there is no law providing for his being placed on oath to determine the point; so that we are left to the conclusion that the rule sought to be enforced is, that if the applicant for residence within our gates is in favor of the party of the People he is a fraud whose plain object is as to politics or intention, he may be a good fellow and should receive a welcome in our midst.

Our organic neighbor threatens THE HERALD with a very dirty feeling before the snows of February have melted the landscape hereabout. This because, in our desire to have the people properly informed, we occasionally reprinted them of their political duties and privileges, and show them that, according to the organ's own protestations, they are not disfranchised because they are

Mormons nor enfranchised because they are Liberals. We would have them understand the whole situation—that the war upon them is for the sake of getting the offices and running things at variance with cherished ideas of economy and equality, and that to do this the effort will be made to have them believe that their religion is not in question, and that they can follow Tom, Dick or Harry so long as their voices are attuned to the carpet-bagger's song. In short, the organ is the same yesterday, to-day and forever; its creed is intolerance, and snafish opposition to everything arrayed against it is its plan of campaign. You are either for or against it, and the standard for determining this point is continued friendship or the want of it for your long-time friends. Under different names and different administrations, the organ is unchanged and unchangeable, no matter how much times and seasons may have changed.

THE Boston Courier does not seem to understand why a play like "Mauprat" should have run so long as it has when it is only a "one-horse" affair. The secret lies in the fact that, in addition to the horse, there are usually two good-looking calves in the show.

JOAQUIN MILLER has expressed the opinion that Duluth is crowding Chicago very fast, and that the latter will some time have to give way to the former. When Chicago finds the "smell" of the "unsalted sea" crowding it too closely, there will be another annexation take place and that will be all of it.

MISREPRESENTATIONS CORRECTED.

The Philadelphia Press is a vindictive and violent Republican paper, which is so dyed in the wool that it cannot even by a strained effort say anything favorable of a southern state or any of its inhabitants. In a recent number it made the statement that Kentucky has the largest number of illiterates, in proportion to population, of any state in the union. This aroused the ire of the Courier-Journal, which first pronounced the statement a falsehood and then proved it to be such by the figures. It showed that ten other states have a greater proportion of illiterates and, to clinch things as it went along, that Pennsylvania, the state in which the Press is published, has more white voters unable to write than Kentucky has by about eleven thousand; and then the argument indignantly closed with the announcement that "Kentucky will have its illiterates educated before Pennsylvania succeeds in educating or starting to death its own."

It has been a favorite practice, ever since the war, of the Republican press to refer sneeringly to the want of education in the south, because it could find nothing in its opposition which promised better results. The same thing has been done with reference to Utah and principally from the same source. It is very true that neither of the sections referred to turns out so many purchased dummies as those controlled by that party, but that the ratio of illiteracy is greater or as great is not a rule true. Utah is ahead of any other territory and of many of the states in respect to general education, and the southern white population are as a class better educated than a corresponding class and number in the north. The fact is, the Republican party and press are hard up for arguments just now; and when it and the Liberals of Utah coalesce—a performance quite natural and easily accomplished—it fairly rates misrepresentations.

PROCTOR KNOTT has again been beaten. This refutes the horse of that name; the man has never yet known defeat.

Give us a rest on the "elixir of life."

THE PRIZE fighters throughout the country are having a "naughty" time of it. When even in Utah they can't take a midnight spin to a country resort and have a little amusement without being hauled up and put through things have come to a pretty pass. And when to this is added the fact that everybody else that went there is under the ban and likely to be called for at any time, it gets to be really serious.

A HAND organ with monkey attachment on the streets of Salt Lake fills a long existing vacancy. It is the first thing of the kind we have had. Now if only a rich, rare and racy divorce suit could be started up and the heroine of it appear on the stage, we would be pretty close to eminence as a metropolis, wouldn't we?

Oh, What a Cough.

Will you heed the warning? The signal perhaps of the sure approach of that most terrible disease, consumption! Ask yourselves if you can afford to let the risk of saving 50 cents, to run the risk and do nothing for it. We know from experience that if you do, you will cure your cough. It never fails. This explains why more than a million bottles were sold the past year. It relieves cough and whooping cough at once. Mothers, do not let it be without it. For time back, side or chest, use Shiloh's Pectoral Plaster. Sold by A. C. Smith & Co.

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SWIFT'S Specific has cured me of a malignant breaking out on my leg, which caused intolerable pain. It was called Eczema by the doctor—four of whom treated me with no relief. I candidly confess that I owe my present good health to R. R. & Co., which in my estimation is invaluable as a blood remedy.

Send for book giving history of Blood Diseases and service to sufferers, mailed free. T. H. SWIFT, Druggist, 114 N. Main St., Salt Lake, Mo.

LEGAL NOTICE.

IN THE PROBATE COURT IN AND FOR the county of Salt Lake, Territory of Utah, in the matter of the estate of William Deagan, deceased. Notice: Pursuant to an order of the Probate Court of Salt Lake county, made by the court on the 10th day of August, 1889, in the above entitled matter, notice is hereby given that Monday, the 26th day of September, A. D. 1889, at 10 o'clock a. m., at the court room of said court, at the court house in Salt Lake city, has been appointed the time and place for the hearing of the application of James W. Kennedy filed in the said court, praying that the administrator of the estate of said deceased be authorized and directed to execute a deed of conveyance to him of certain real estate bought from deceased in his lifetime, at which time and place all persons interested may appear, and contest such application.

Dated at Salt Lake city, this 21st day of August, 1889.

JOHN C. CUTLER, Clerk of the Probate Court in and for Salt Lake county.

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Is desired and admired by all. Among the things which may best be done to enhance personal beauty is the daily use of Ayer's Hair Vigor. No matter what the color of the hair, this preparation gives it a lustre and pliancy that adds greatly to its charm. Should the hair be thin, harsh, dry, or turning gray, it will restore the color, bring out a new growth, and render the old soft and shiny. For keeping the scalp clean, cool, and healthy, there is no better preparation in the market.

"I am free to confess that a trial of Ayer's Hair Vigor has convinced me that it is a genuine article. Its use has not only caused the hair of my wife and daughter to be

Abundant and Glossy, but it has given my rather stunted mustache a respectable length and appearance."—R. Britton, Oakland, Cal.

"My hair was coming out (without any assistance from my wife, either). I tried Ayer's Hair Vigor, using only one bottle, and I now have as fine a head of hair as any one could wish for."—R. T. Schmitt, Dickinson, Tenn.

"I have used Ayer's Hair Vigor in my family for a number of years, and regard it as the best hair preparation I know of. It keeps the scalp clean, the hair soft and lively, and preserves the original color. My wife has used it for a long time with most satisfactory results."—Benjamin M. Johnson, M. D., Thomas Hill, Mo.

"My hair was becoming harsh and dry, but after using half a bottle of Ayer's Hair Vigor it grew black and glossy. I cannot express the joy and gratitude I feel."—Mabel C. Hardy, Delavan, Ill.

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—MEN'S WORKING SHOES—
—50 Cents—
—MEN'S KIP BOOTS—
—\$1.75—
Men's Four Ply Linen Collars, One Cent apiece.
Ladies' Hand Turned Dongolas, Worth \$7.00, for \$3.45.
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This stock must be closed out in ten days, to settle a debt, by order of creditors.
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MEN'S WORSTED SUITS.
Worth \$12.50, \$15.00 and \$18.00, Sell for \$7.50.
CUSTOM MADE SUITS.
Worth \$30, \$25 and \$30.—Sell for \$12.50.
BOYS' SUITS.
From \$2.25 to \$5.00.
BOYS' HATS—35 cents up.
SPRING OVERCOATS.
Custom Made, worth from \$35 to \$50.00, for \$13.00.

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